

Assembly Bill No. 2766

Passed the Assembly August 30, 2016

Chief Clerk of the Assembly

Passed the Senate August 24, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 69510, 69511, and 69511.5 of the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

AB 2766, Lopez. Student Aid Commission.

Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. Existing law requires the commission to include 2 members, appointed by the Governor, who are students enrolled in a California postsecondary educational institution.

This bill would instead require the commission to include 4 student members, one from each of the following: the University of California, the California State University, the California Community Colleges, and a California private postsecondary educational institution. The bill would make conforming and nonsubstantive changes.

This bill would incorporate additional changes to Section 69511 of the Education Code proposed by AB 2154 that would become operative if this bill and AB 2154 are both enacted and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 69510 of the Education Code is amended to read:

69510. The Student Aid Commission shall be composed of the following 17 members:

(a) One representative from public, proprietary, or nonprofit postsecondary schools located in California.

(b) One representative from a California independent college or university.

(c) One representative each from the University of California, the California State University, and the California Community Colleges.

(d) (1) Four student members, one from each of the following postsecondary educational institutions:

- (A) The University of California.
- (B) The California State University.
- (C) The California Community Colleges.
- (D) A California private postsecondary educational institution.

(2) A student member described in paragraph (1) shall be enrolled in the postsecondary educational institution at the time of appointment, and shall be enrolled in that institution for the duration of the term. A student member who graduates from an institution with no more than six months of his or her term remaining shall be permitted to serve for the remainder of the term.

(e) Three public members.

(f) One representative from a California secondary school.

(g) Two representatives appointed by the Senate Rules Committee.

(h) Two representatives appointed by the Speaker of the Assembly.

SEC. 2. Section 69511 of the Education Code is amended to read:

69511. (a) Except as provided in subdivision (b), each member of the commission shall have a four-year term; provided, that members appointed pursuant to subdivision (d) of Section 69510 shall have terms of two academic years.

(b) The term of one member appointed pursuant to subdivision (g) of Section 69510 and the term of one member appointed pursuant to subdivision (h) of Section 69510, effective January 1, 1991, shall be for five years. Each subsequent term for members appointed pursuant to this subdivision shall be for four years.

(c) Appointment to the commission of members appointed pursuant to subdivisions (a) to (f), inclusive, of Section 69510 shall be made by the Governor subject to confirmation by the Senate.

(d) Any vacancy shall be filled by the appointment of a person who will have the same status as the predecessor of the appointee. The appointee shall hold office only for the balance of the unexpired term.

(e) Each member of the commission shall receive a stipend of one hundred dollars (\$100) for each day in which he or she attends any meeting of the commission or any meeting of any committee or subcommittee of the commission, of which committee or

subcommittee he or she is a member, and which committee or subcommittee meeting is conducted for the purpose of carrying out the powers and duties of the commission. In addition, each member shall receive his or her actual and necessary traveling expenses incurred in the course of his or her duties.

(f) (1) If an act of Congress establishes a program of scholarships or grants for undergraduate students and permits administration of the program within a state by a state agency, the Student Aid Commission, as established by Section 69510, shall administer the act within the state if the Governor and the Student Aid Commission, by a majority vote of its entire membership, determine that the participation by the state in the federal scholarship or grant program under the act would not interfere with or jeopardize the continuation of the scholarship program established under Chapter 1.7 (commencing with Section 69430) of Part 42 of Division 5 of Title 3.

(2) The commission shall constitute the state commission on federal scholarships or grants and is hereby empowered to formulate a plan for development and administration of any federal scholarship or grant program within the state.

(3) Subject to the provisions of this chapter, the commission is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, in the administration of any act of Congress establishing a scholarship or grant program and the rules and regulations adopted thereunder.

(4) Before adopting a state plan, the commission, acting as the state commission on federal scholarships or grants, shall hold public hearings as provided in the California Administrative Procedure Act.

SEC. 2.5. Section 69511 of the Education Code is amended to read:

69511. (a) (1) Except as provided in subdivision (b), each member of the commission, other than a student member, shall have a four-year term.

(2) (A) A student member appointed pursuant to subdivision (d) of Section 69510 shall have a term of two academic years.

(B) Upon expiration of the student member's two-year term, if the Governor has not appointed a successor, the student member may remain in office for one additional year or until the Governor

appoints a successor, whichever occurs first. The requirements of subdivision (d) of Section 69510 do not apply to a student in the additional year under this paragraph.

(C) The commission shall notify the appropriate student organization for each segment, as described in Section 69511.5, of a pending student member vacancy no less than three months before the expiration of the term, and of the appropriate student organization's opportunity to submit a list of nominees pursuant to Section 69511.5.

(b) The term of one member appointed pursuant to subdivision (g) of Section 69510 and the term of one member appointed pursuant to subdivision (h) of Section 69510, effective January 1, 1991, shall be for five years. Each subsequent term for members appointed pursuant to this subdivision shall be for four years.

(c) Appointment to the commission of members appointed pursuant to subdivisions (a) to (f), inclusive, of Section 69510 shall be made by the Governor subject to confirmation by the Senate.

(d) Any vacancy shall be filled by the appointment of a person who will have the same status as the predecessor of the appointee. The appointee shall hold office only for the balance of the unexpired term.

(e) (1) Each member of the commission shall receive a stipend of one hundred dollars (\$100) for each day in which he or she attends any meeting of the commission or any meeting of any committee or subcommittee of the commission, of which committee or subcommittee he or she is a member, and which committee or subcommittee meeting is conducted for the purpose of carrying out the powers and duties of the commission. In addition, each member shall receive his or her actual and necessary traveling expenses incurred in the course of his or her duties.

(2) In addition, if a student member who attends a qualifying institution, as defined in Section 69432.7, is not the recipient of a Cal Grant award, the qualifying institution, as a condition of participation in the Cal Grant program, shall waive the student member's tuition, up to the maximum award amount for that institution, for the duration of the student member's term of office.

(f) (1) If an act of Congress establishes a program of scholarships or grants for undergraduate students and permits administration of the program within a state by a state agency, the Student Aid Commission, as established by Section 69510, shall

administer the act within the state if the Governor and the Student Aid Commission, by a majority vote of its entire membership, determine that the participation by the state in the federal scholarship or grant program under the act would not interfere with or jeopardize the continuation of the scholarship program established under Chapter 1.7 (commencing with Section 69430) of Part 42 of Division 5 of Title 3.

(2) The commission shall constitute the state commission on federal scholarships or grants and is hereby empowered to formulate a plan for development and administration of any federal scholarship or grant program within the state.

(3) Subject to the provisions of this chapter, the commission is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, in the administration of any act of Congress establishing a scholarship or grant program and the rules and regulations adopted thereunder.

(4) Before adopting a state plan, the commission, acting as the state commission on federal scholarships or grants, shall hold public hearings as provided in the California Administrative Procedure Act.

SEC. 3. Section 69511.5 of the Education Code is amended to read:

69511.5. (a) Notwithstanding Section 69511, the Governor shall appoint each student member of the Student Aid Commission pursuant to subdivision (d) of Section 69510 from the persons nominated in accordance with the provisions of subdivision (b).

(b) For each student member of the commission, the appropriate student organization may submit a list of nominees. The list shall specify not less than three and not more than five nominees. The appropriate student organization for each segment shall be a composite group of at least five representative student government associations, as determined by the commission.

(c) Participating student organizations designated in subdivision (b) shall inform students within their respective segment of pending student vacancies on the commission.

(d) The person appointed as a student member of the commission pursuant to this section shall be subject to confirmation by the Senate as required in subdivision (c) of Section 69511.

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 69511 of the Education Code proposed by both this bill and Assembly Bill 2154. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 69511 of the Education Code, and (3) this bill is enacted after Assembly Bill 2154, in which case Section 2 of this bill shall not become operative.

Approved _____, 2016

Governor